



*An Announcement from the  
Massachusetts Department of Mental Health*



To: Interested parties  
From: DMH Regulations  
Date: July 12, 2019  
RE: Notice of Final Promulgation – 104 CMR 27.00 Licensing and  
Operational Standards for Mental Health Facilities

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On July 12, 2019, DMH's amended regulations were officially promulgated and are in effect for 104 CMR 27.00 Licensing and Operational Standards for Mental Health Facilities.

The principle changes in these amended regulations are in compliance with the recently enacted Chapter 208 of the Acts of 2018, which amends the Department's licensing authority under G.L. c. 19, § 19, codifying the Department's authority to license facilities to meet the needs of the Commonwealth, and to ensure that facilities are not rejecting patients for admission who meet the clinical criteria for admission under their licenses. The Act also codifies a number of the Department's existing licensing practices, and enhances its licensing authority to include levying of civil fines for serious violations of its licensing regulations. The Act inserts a requirement that facilities admit Commonwealth residents who receive public-pay insurance on a non-discriminatory basis. The proposed amendments incorporate the provisions of the Act.

The Department is also expanding the use of telemedicine for the statutorily required physician assessment after an episode of restraint or seclusion if the individual has been released from restraint or seclusion (or has settled after a medication restraint) prior to the time for the required assessment. This revision also adds clarification to fresh air access and transportation orders.

The amended regulations, which are 104 CMR 27.00, are attached, and are posted on the DMH Regulations webpage at: <http://www.mass.gov/eohhs/gov/laws-regs/dmh>. Final Regulation is found under DMH Statutes, Regulations & Policies > Proposed Regulations